THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23692 of 2006

Dated: 15-11-2006

Between:

Smt. P. Vijaya Laxmi and others.

..... PETITIONERS

AND

The Revenue Divisional Officer, Mahaboobnagar and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23692 of 2006

ORDER:

The petitioners are legal heirs of one P. Venkat Reddy, who was assigned land admeasuring Acs.4.15 guntas in survey No.161 situated at Badepalli Village, Jadcherla Mandal, Mahaboobnagar District. The land being well suited as house sites, the Mandal Revenue Officer(MRO), Jadcherla, second respondent herein, sent a report to the Revenue Divisional Officer(RDO), Mahaboobnagar, first respondent herein, for according permission to resume the same. It appears that RDO gave such permission and thereafter by order/proceedings No.C/5638/88 dated

27-04-1999 (more than seven years ago) MRO ordered for resumption of the land in view of the clearance given by RDO. These proceedings are assailed in this writ petition.

The learned counsel for the petitioners raised two contentions - that the impugned order/proceedings is bad for want of notice and that no reasons are assigned in coming to the conclusion that the land is required for house sites and therefore, it has to be resumed. Regarding delay in filing the writ petition, the learned counsel submits that the petitioners are not aware of the proceedings of MRO and only recently when hectic efforts are being made to dispossess them, they came to know and that they approached this Court after obtaining certified copy of the impugned order/proceedings. As there is inordinate delay, this Court is not inclined to entertain the writ petition. Now that the petitioners have obtained certified copy from the office of MRO, they may prefer an appeal before RDO raising all the contentions. From a reading of the impugned order/proceedings, an inference can be drawn that MRO only said that RDO gave clearance. But if the petitioners' allegation that order for resumption is already passed, there should have been some other proceedings. This needs to be clarified by RDO while entertaining the appeal. As and when such appeal is filed, RDO may entertain the same and pass appropriate orders. A week's time is granted to the petitioners to prefer appeal to RDO.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

V.V.S.RAO, J

15th November, 2006

ghn